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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES P. WINZLER,

Defendant.

No. CR 06-0797 MMC

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING THE
SENTENCING DATE

SAN FRANCISCO VENUE

This matter was last before this Court on June 11, 2008. At the hearing, the sentencing of Mr. Winzler was continued until September 17, 2008 to permit full restitution to be accomplished by the sale of a Hawaiian condominium owned by Defendant. In granting the request of Defendant for a continuance, this Court recognized that restitution before sentencing was a key component of the plea agreement for both parties, not only for Mr. Winzler.

The Hawaiian property has been sold by a Commissioner appointed by the State Court in Honolulu, and there was adequate money left over from the sale to satisfy the restitution figure

STIPULATION

1 the government has determined is owed to the victims. The parties recently learned that the
 2 Commissioner responsible for dispensing the funds, died a few days before the State Court Judge
 3 was to consider a motion by the United States to order the Commissioner to convey all funds
 4 within five (5) days. The parties are informed and believe that the Commissioner's death did not
 5 result from natural causes. The United States is attempting to determine what happened to the
 6 proceeds from the sale of the condominium, specifically whether the funds were embezzled,
 7 improperly disbursed, or are still available, but as of yet, unaccounted for. The government
 8 intends to undertake some type of investigation in Hawaii to attempt to determine what happened
 9 to the money which may include issuing subpoenas in anticipation of the sentencing hearing.
 10 The government will report its findings, if any, to the Court and Defense on or before the new
 11 sentencing date.

12 Under the circumstance, a ninety (90) days continuance is sought for the sentencing date of
 13 Mr. Winzler. The parties jointly request a sentencing date of December 10, 2008.

15 JOSEPH P. RUSSONIELLO
 16 United States Attorney

17 DATED: 9/9/08 _____

/s/ R. HARRIS

18 Robin L. Harris, Esq.
 19 Peter B. Axelrod, Esq.
 20 Assistant United States Attorney's

21 THE LAW OFFICES OF BRIAN H GETZ

23 DATED: 9/9/08 _____

/s/ BRIAN H GETZ

24 Brian H Getz, Esq.
 25 Attorney for Defendant James P. Winzler

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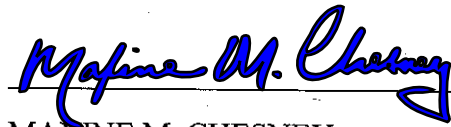
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STIPULATION

ORDER ~~[Proposed]~~

The Parties having so stipulated and good cause appearing, IT IS ORDERED that the sentencing of James Winzler is continued until December 10, 2008 at 2:30 p.m.

DATED: September 10, 2008



MAXINE M. CHESNEY
United States District Judge

STIPULATION